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Sven-Ake Jonsson

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EXAMINER

HUANG, CHENG YUAN

ART UNIT

PAPER NUMBER

1787

NOTIFICATION DATE

DELIVERY MODE

05/20/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DocketingDept@young-thompson.com

Office Action Summary	Application No. 10/591,123	Applicant(s) JONSSON, SVEN-AKE	
	Examiner CHENG HUANG	Art Unit 1787	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: Line 8 of the newly amended claim reads "flexability" instead of "flexibility". Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

4. Regarding claims 1 and 13, which recite the limitation "the plastic film has a greater tensile strength...", while there is support in the present Specification (page 5, line 28-page 6, line 2) to recite a specific plastic film, i.e. multilayer plastic film comprising at least one layer of oriented polypropylene, having such properties, there is no support to broadly recite "plastic film" having such properties.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dronzek et al. (WO 93/09925) in view of Hakansson (U.S. Patent Application Publication No. 2002/0139707), and further in view of Sloan et al. (U.S. Patent No. 5,850,940), and alternatively Kieras (U.S. Patent No. 6,588,178).

8. Regarding claims 1 and 2, Dronzek et al. teaches plastic containers (page 12, lines 26-29), which is understood to include plastic bottles or tubes that comprise a tube body with a tube shoulder with an emptying opening at the first end and a sealable end closure at the second end. Dronzek et al. teaches the label being comprised of a plastic film, e.g. biaxially oriented thermoplastic polypropylene film with a thickness of 0.003 inches (76 μm), a density of 0.905 g/cm^3 , tensile strength of 28,000 psi (193 N/mm^2), and elongation at break of 60% (page 12, lines 30-33; page 13, lines 16-30). Dronzek et al. further discloses label thicknesses of 0.002 to

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0.008 inches (50.8 to 203.2 μm , page 4, lines 32-33), which overlaps the claimed range of at most 75 μm . Even though Dronzek et al. does not explicitly disclose the claimed tensile strength value of 100 N/mm^2 and elongation at break value of at most 70%, and gives only a couple of examples, additional materials which are disclosed by Dronzek et al. to be substantially identical, if not identical, to the materials of the label of the instantly claimed invention, in addition to the overlapping ranges of label material density and thickness, which are all commensurate with the instant disclosure, it would be expected that the claimed tensile strength and elongation at break values are inherently achieved in Dronzek et al.

9. Dronzek et al. does not explicitly teach a film with an elongation at break which is at most 70%. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to optimize the elongation at break value of the film of Dronzek et al. to those including the claimed values of "at most 70%" according to the desired ductility of the film.

10. Dronzek et al. does not explicitly teach a tube body having a wall thickness of 0.3-1.2 mm or a flexible plastic tube.

11. However, Hakansson discloses a plastic container/dispenser, i.e. tube, comprising a label being simultaneously formed with injection molding, wherein the container/dispenser has a wall thickness of "0.5-1 mm, typically 0.7 mm" (paragraph [32-34]). Hakansson discloses that such a thickness will enhance transparency, lower weight, and retain resistance to physical damage due to incautious handling of the dispenser and strains (paragraph 33) depending on the chosen polymer which is disclosed to include polyethylene or polypropylene (paragraph [30]).

12. Dronzek et al. and Hakansson are analogous because they all discuss containers comprised of labels.

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13. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the plastic tube of Dronzek et al. with the wall thickness of Hakansson for the purposes of easily achieving transparency, lowering weight, and retaining resistance to damage due to incautious handling of the dispenser and strains of Hakansson (paragraph [33]).

14. Dronzek et al. as modified by Hakansson does not explicitly teach a flexible plastic tube.

15. However, given that term “flexible” may be applied in varying degrees and given the identical materials and structure, in particular, the thickness of the inventions, the tube of Dronzek et al. as modified by Hakansson would be expected to be intrinsically flexible.

Moreover, the containers as disclosed by Dronzek such as those holding dishwashing detergent (page 1, lines 13-14), would be expected to be flexible given that is it squeezable.

16. Furthermore, Sloan et al. discloses a plastic flexible, hand-squeezable, container that can be made by injection molding (col. 5, lines 36-48). Furthermore, the container of Sloan et al. is made from substantially identical, if not identical, materials including thermoplastic polymers, such as polyethylene or polypropylene, comprising a label (col. 10, lines 55-56).

17. It would have been obvious to one of ordinary skill in the art at the time of the invention to form a plastic container in Dronzek that is flexible as taught by Sloan et al. using the process taught by Dronzek et al. and Hakansson. Given substantially identical, if not identical, materials of biaxially oriented polypropylene film labels and polyethylene or polypropylene container bodies, a flexible squeezable tube with label would have been successfully produced simultaneously through injection molding.

18. Alternatively, given that Kieras discloses a plastic flexible tube (col. 3, lines 34-38) made from substantially identical, if not identical, materials including thermoplastic polymers, such as

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polyethylene or polypropylene (col. 3, lines 15-21), having a wall thickness of approximately 0.25 to 1.02 mm (0.010 to 0.040 inches, col. 3, lines 38-40), which overlaps the claimed range of 0.3 to 1.2 mm, and further comprising a label (col. 4, lines 12-15).

19. It would have been obvious to one of ordinary skill in the art at the time of the invention to form a flexible plastic tube as taught by Kieras to force the contents of a filled tube out (col. 3, lines 34-36).

20. Regarding the flexibility of the plastic tube, given that Dronzek et al. as modified by Hakansson and Sloan et al. or alternatively Kieras disclose flexible plastic tube as claimed, it is clear that such tube would intrinsically allow a tube content comprising soft cheese or toothpaste to be squeezed out through the emptying opening when the closure has been sealed .

21. Regarding claim 2, Dronzek et al. discloses a plastic film having machine and transverse direction tensile strength values, i.e., MD=110 N/mm², TD=193 N/mm², that exceed the claimed radial tensile strength value of at least 50 N/mm² and machine and transverse elongation at break values, i.e., MD=160%, TD=60% (page 13, lines 16-30), that falls within the claimed ranges of at most 250%. The claimed radial tensile strength and elongation at break values are identified with the transverse direction of Dronzek's film in view of Fig. 1 in the specification. Therefore, it would be expected that the claimed radial tensile strength and elongation at break values are inherently achieved in Dronzek et al. Furthermore, even if the machine direction in Dronzek et al. should be identified with the claimed radial direction, additional materials which are disclosed by Dronzek et al. to be substantially identical, if not identical, to the materials of the label of the instantly claimed invention, in addition to the overlapping ranges of label material density and

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thickness, which are all commensurate with the instant disclosure, it would be expected that the claimed tensile strength values are inherently achieved in Dronzek et al.

22. Regarding the limitations of the plastic film having greater tensile strength and lower tensile yield limit, given that Dronzek et al. as modified by Hakansson and Sloan et al. or alternatively Kieras teaches the presently claimed invention including substantially identical, if not identical, structure, materials, and in particular, tensile strength in the axial direction and radial direction as disclosed above, it is clear that the plastic film of Dronzek et al. as modified by Hakansson and alternatively Sloan et al. and Kieras intrinsically possesses a greater tensile strength and lower tensile yield limit in an orientation direction than in a direction at right angles to the orientation direction, and wherein the plastic film is oriented such that the orientation direction coincides with the axial direction of the flexible plastic tube.

23. Regarding all applicable claims, the recitations “an injection molded [tube body]” and [label] applied simultaneously with the injection molding” are process limitations. It is noted that “[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process”, *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). Further, “although produced by a different process, the burden shifts to applicant to come forward with evidence establishing an unobvious difference between the claimed product and the prior art product”, *In re Marosi*, 710 F.2d 798, 802, 218 USPQ 289, 292 (Fed. Cir.1983). See MPEP 2113.

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24. Therefore, absent evidence of criticality regarding the presently claimed process and given that Dronzek et al. as modified by Hakansson and Sloan et al. or Kieras meets the requirements of the claimed thin-walled flexible plastic tube, the prior art clearly meets the requirements of present claims.

25. Regarding all applicable claims, Dronzek et al. as modified by Hakansson and Sloan et al. or Kieras teaches a thin-walled flexible plastic tube.

26. Regarding claims 3-6 and 10-12, it would have been obvious to one skilled in the art at the time of the invention to apply the teachings of the prior art of in-mold labeling of labels to containers to include covering the surface of the substrate with a label in the various manners claimed, given the teachings of Dronzek et al. as modified by Hakansson and further modified by Sloan et al. or Kieras, as being routine experimentation and given the teachings and guidance in the prior art for in-mold labeling as a matter of design choice. See MPEP 2144.04

27. Regarding claim 7, Dronzek et al. further discloses a plastic film being a multilayer film comprising at least one layer of oriented polypropylene (page 11, lines 1-10; page 12, lines 15-17; page 17, lines 23-24).

28. Regarding claim 8, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a variety of end closures of containers and be motivated to apply the label as taught by Dronzek et al. as modified by Hakansson and further modified by Sloan et al. onto a container having a non-linear end closure with a reasonable expectation of success as a matter of design choice for the container end closure. See MPEP 2144.04.

29. Regarding claim 9, Dronzek et al. further discloses the said plastic film having a density of 0.905 g/cm^3 , which falls within the claimed range of 0.5 to 1.0 g/cm^3 (page 13, line 20).

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30. Regarding claims 13, 14, 16 and 17, Dronzek et al. teaches thin-walled plastic containers (page 12, lines 26-29), which include thin walled-plastic tubes comprising a tube body with a tube shoulder with an emptying opening at the first end and an end closure at the second end.

The plastic tube comprises a label (page 12, lines 30-33). Dronzek et al. teaches the label being comprised of a plastic film, e.g. biaxially oriented thermoplastic polypropylene film with a thickness of 0.003 inches (76 μm), a density of 0.905 g/cm^3 , tensile strength of 28,000 psi (193 N/mm^2), which falls within the claimed value of at least 150 N/mm^2 , and elongation at break of 60% (page 12, lines 30-33; page 13, lines 16-30). Dronzek et al. further discloses label thicknesses of 0.002 to 0.008 inches (50.8 to 203.2 μm , page 4, lines 32-33), which overlaps the claimed range of at most 90 μm . Even though Dronzek et al. does not explicitly disclose the claimed elongation at break value, given substantially identical, if not identical, to those of the instantly claimed invention, in addition to the overlapping ranges of label material density and thickness, which are all commensurate with the instant disclosure, it would be expected that the elongation at break values are inherently achieved in Dronzek et al.

31. Furthermore, Dronzek et al. does not explicitly teach a film with an elongation at break that is at most 50%. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to optimize the elongation at break value of the film of Dronzek et al. to those including the claimed values of "at most 50%" according to the desired ductility of the film.

32. Dronzek et al. does not explicitly teach a tube body having a wall thickness of 0.3-1.2 mm or a flexible plastic tube.

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33. However, Hakansson discloses a plastic container/dispenser, i.e. tube, comprising a label being simultaneously formed with injection molding, wherein the container/dispenser has a wall thickness of “0.5-1 mm, typically 0.7 mm” (paragraph [0032-0034]). Hakansson discloses that such a thickness will enhance transparency, lower weight, and retain resistance to physical damage due to incautious handling of the dispenser and strains (paragraph [0033]) depending on the chosen polymer which is disclosed to include polyethylene or polypropylene (paragraph [0030]).

34. Dronzek et al. and Hakansson are analogous because they all discuss containers comprised of labels.

35. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the plastic tube of Dronzek et al. with the wall thickness of Hakansson for the purposes of easily achieving transparency, lowering weight, and retaining resistance to damage due to incautious handling of the dispenser and strains of Hakansson (paragraph [33]).

36. Dronzek et al. as modified by Hakansson does not explicitly teach a flexible plastic tube.

37. However, given that term “flexible” may be applied in varying degrees and given the identical materials and structure, in particular, the thickness of the inventions, the tube of Dronzek et al. as modified by Hakansson would be expected to be intrinsically flexible.

Moreover, the containers as disclosed by Dronzek such as those holding dishwashing detergent (page 1, lines 13-14), would be expected to be flexible given that is it squeezable.

38. Furthermore, Sloan et al. discloses a plastic flexible, hand-squeezable, container that can be made by injection molding (col. 5, lines 36-48). Furthermore, the container of Sloan et al. is

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made from substantially identical, if not identical, materials including thermoplastic polymers, such as polyethylene or polypropylene, comprising a label (col. 10, lines 55-56).

39. It would have been obvious to one of ordinary skill in the art at the time of the invention to form a plastic container in Dronzek that is flexible as taught by Sloan et al. using the process taught by Dronzek et al. and Hakansson. Given substantially identical, if not identical, materials of biaxially oriented polypropylene film labels and polyethylene or polypropylene container bodies, a flexible squeezable tube with label would have been successfully produced simultaneously through injection molding.

40. Alternatively, given that Kieras discloses a plastic flexible tube (col. 3, lines 34-38) made from substantially identical, if not identical, materials including thermoplastic polymers, such as polyethylene or polypropylene (col. 3, lines 15-21), having a wall thickness of approximately 0.25 to 1.02 mm (0.010 to 0.040 inches, col. 3, lines 38-40), which overlaps the claimed range of 0.3 to 1.2 mm, and further comprising a label (col. 4, lines 12-15).

41. It would have been obvious to one of ordinary skill in the art at the time of the invention to form a flexible plastic tube as taught by Kieras to force the contents of a filled tube out (col. 3, lines 34-36).

42. Regarding claims 14, 16 and 17, Dronzek et al. teaches a plastic film having machine and transverse direction tensile strength values, i.e., MD=110 N/mm², TD=193 N/mm², that exceed the claimed value of at least 80 N/mm² and at least 120 N/mm². Even though Dronzek et al. does not explicitly disclose the claimed tensile strength value of at least 210 N/mm² and gives only a couple of examples, additional materials which are disclosed by Dronzek et al. to be substantially identical, if not identical, to the materials of the label of the instantly claimed invention, in

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addition to the overlapping ranges of label material density and thickness, which are all commensurate with the instant disclosure, it would be expected that the claimed tensile strength values of at least 210 N/mm^2 are inherently achieved in Dronzek et al.

43. Furthermore, Dronzek et al. does not explicitly teach a film with a tensile strength in the axial direction that is at least 210 N/mm^2 . However, it would have been obvious to one of ordinary skill in the art at the time of the invention to optimize the tensile strength value of the film of Dronzek et al. to those including the claimed values of “at least 210 N/mm^2 ” according to the desired strength of the film.

44. Regarding the limitations of the plastic film having greater tensile strength and lower tensile yield limit, given that Dronzek et al. as modified by Hakansson and alternatively Sloan et al. and Kieras teaches the presently claimed invention including substantially identical, if not identical, structure, materials, and in particular, tensile strength in the axial direction and radial direction as disclosed above, it is clear that the plastic film of Dronzek et al. as modified by Hakansson and alternatively Sloan et al. and Kieras intrinsically possesses a greater tensile strength and lower tensile yield limit in an orientation direction than in a direction at right angles to the orientation direction, and wherein the plastic film is oriented such that the orientation direction coincides with the axial direction of the flexible plastic tube.

45. Regarding all applicable claims, the recitations “an injection molded [tube body]” and “[label] applied simultaneously with the injection molding” are process limitations. It is noted that “[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the

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same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process”, *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). Further, “although produced by a different process, the burden shifts to applicant to come forward with evidence establishing an unobvious difference between the claimed product and the prior art product”, *In re Marosi*, 710 F.2d 798, 802, 218 USPQ 289, 292 (Fed. Cir.1983). See MPEP 2113.

46. Therefore, absent evidence of criticality regarding the presently claimed process and given that Dronzek et al. as modified by Hakansson and Sloan et al. or Kieras meets the requirements of the claimed thin-walled flexible plastic tube, the prior art clearly meets the requirements of present claims.

47. Regarding the flexibility of the plastic tube, given that Dronzek et al. as modified by Hakansson and Sloan et al. or alternatively Kieras disclose flexible plastic tube as claimed, it is clear that such tube would intrinsically allow a tube content comprising soft cheese or toothpaste to be squeezed out through the emptying opening when the closure has been sealed .

48. Regarding claims 15, 19, and 20, Dronzek et al. teaches a plastic film having in the radial direction the elongation at break of 60% (page 12, lines 30-33; page 13, lines 16-30), which falls within the claimed ranges of at most 200% and at most 110%. Even though Dronzek et al. does not explicitly disclose the claimed tensile strength value of at most 25% and gives only a couple of examples, additional materials which are disclosed by Dronzek et al. to be identical, to the materials of the label of the instantly claimed invention, in addition to the overlapping ranges of label material density and thickness, which are all commensurate with the instant disclosure, it

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would be expected that the claimed elongation at break values of at most 25% are inherently achieved in Dronzek et al.

49. Furthermore, Dronzek et al. does not explicitly teach a film with an elongation at break which is at most 25%. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to optimize the elongation at break value of the film of Dronzek et al. to those including the claimed values of “at most 25%” according to the desired ductility of the film.

50. Regarding claim 18, Dronzek et al. teaches a plastic film having a density of 0.905 g/cm^3 , which falls within the claimed range of 0.5 to 1.0 g/cm^3 .

Response to Arguments

51. Applicant's arguments filed 23 April 2010 have been fully considered but they are not persuasive.

52. Applicant amended claims to replace “squeezable” with “flexible” and amended independent claims 1 and 13 to include a “sealable” end closure, the allowability of the tube to squeeze out contents through the emptying opening, and limitations of the plastic film having greater tensile strength and lower tensile yield limit.

53. Applicant argues that the prior art does not teach sealable end closure or tube body having wall thickness of 0.3-1.2 mm.

54. However, as disclosed above, Dronzek et al. teaches plastic containers (page 12, lines 26-29), which is understood to include plastic bottles or tubes that comprise a tube body with a tube shoulder with an emptying opening at the first end and a sealable end closure at the second end

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and given that Dronzek et al. does not explicitly teach a tube body having a wall thickness of 0.3-1.2 mm or a flexible plastic tube, Hakansson is used to teach a plastic container/dispenser, i.e. tube, comprising a label being simultaneously formed with injection molding, wherein the container/dispenser has a wall thickness of "0.5-1 mm, typically 0.7 mm" (paragraph [32-34]) given that such a thickness will enhance transparency, lower weight, and retain resistance to physical damage due to incautious handling of the dispenser and strains (Hakansson, paragraph 33) depending on the chosen polymer which is disclosed to include polyethylene or polypropylene (Hakansson, paragraph [30]).

55. Applicant's arguments with respect to the newly added claim limitations have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

56. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

57. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

58. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHENG YUAN HUANG whose telephone number is (571) 270-7387. The examiner can normally be reached on Monday-Thursday from 8 AM to 4 PM.

59. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho, can be reached at 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

60. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. H./

Cheng Yuan Huang

Examiner, Art Unit 1787

May 13, 2010

/Callie E. Shosho/

Supervisory Patent Examiner, Art Unit 1787

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